

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,  
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 3: Rio Nutrias

Subfile No. CHNU-002-0005C

**MOTION TO CORRECT CLERICAL ERROR**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting certain clerical errors in the Consent Order filed December 12, 2005 (Docket No. 8080) in connection with defendant CHRIS E. TAFOYA in subfile CHNU-002-0005C, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The Ditch, Source of Water and Point of Diversion for the irrigated lands (0.5 acres) in sub-part (B) of the Consent Order in this subfile were incorrectly identified. These lands are irrigated from the Esquibel ditch rather than the Tafoya/Esquibel ditch as indicated in the Consent Order filed with the Court on December 12, 2005

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the information for the water rights described in sub-part (B) of the Consent Order filed December 12,

2005 (Docket No. 8080) as follows:

**B. IRRIGATED LANDS (Surface Water Only):**

**Source of Water:** Surface Water of the Rio Nutrias, a tributary of the Chama River.

**Point of Diversion:**

**Ditch:** Esquibel

**Location:** X = 1,573,634 feet      Y = 2,037,817 feet  
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Dated: May 31, 2011

Respectfully submitted,

/s/ Ed Newville  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31st day of May 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Chris E. Tafoya  
3375 La Avenida de San Marcos  
Santa Fe, NM 87507

